

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr., NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Marvin Ruth NV State Bar No. 10979
Email: mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**Reply to the Response by Ovca
Associates, Inc. Defined Pension Plan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 p.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust replies to the filing by Ovca Associates, Inc. Defined Pension Plan ("Ovca") docketed at DE 9035 on September 2, 2011.

On January 8, 2007, this Court entered its Order Confirming the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization" as Modified Herein [Docket No. 2376]. As part of the Plan, and pursuant to an Asset Purchase Agreement filed with this Court, USACM sold the servicing rights to most of the loans it serviced to Compass Partners, LLC and Compass Financial Partners, LLC ("Compass"), including the HFAH Clear Lake Loan. The sale to Compass closed on February 16, 2007.

The USACM Trust exists as of the Effective Date of the Plan, which was March 12, 2007. Geoffrey L. Berman is the Trustee. Under the Plan, the USACM Trust is the successor to USACM with respect to standing to seek allowance and disallowance of Claims under 11 U.S.C. § 502(a).

1 The Trust is reviewing proofs of claim and making its recommendations to the
2 Court as to those which are valid and those which do not appear to be valid. The Trust has
3 filed objections to claims arising out of the direct loan known as HFAH Clear Lake.

4 Ovca responds with an *ad hominem*, alleging that the Trust has engaged in
5 misconduct. Mr. Ovca, who is not a lawyer, offers no facts in support of his allegations,
6 which are slanderous (and untrue).

7 The Trust respectfully requests that the Ovca objection be denied in the strongest
8 possible terms.

9 DATED this 19th day of September, 2011.

10 LEWIS AND ROCA LLP

11
12 By /s/ Robert M. Charles, Jr. (6593)

13 Rob Charles, NV 6593

14 John Hinderaker, AZ 18024 (*pro hac vice*)

15 Marvin Ruth, NV 10979

16 3993 Howard Hughes Parkway, Suite 600

17 Las Vegas, Nevada 89169

18 E-mail: rcharles@lrlaw.com

19 Attorneys for the USACM Liquidating Trust

20 Copy of the foregoing mailed by first
21 class postage prepaid U.S. Mail on
22 September 19, 2011 to:

23 OVCA ASSOCIATES, INC. DEFINED PENSION PLAN

24 Attn: William J. Ovca, Jr., Trustee

25 410 Upper Lake Road

26 Lake Sherwood, CA 91361

LEWIS AND ROCA LLP

/s/ Renee L. Creswell

Renee L. Creswell